

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 21-858V

UNPUBLISHED

ANNA MILLER and MATTHEW
MILLER, on behalf of A.M., a minor
child,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: September 22, 2021

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Table Injury; Rotavirus Vaccine;
Intussusception

Danielle Strait, Maglio Christopher & Toale, PA, Seattle, WA, for Petitioner.

Nancy Tinch, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On February 3, 2021, Anna Miller and Matthew Miller filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”) on behalf of her daughter, A.M., a minor. Petitioners allege that A.M.’s receipt of a rotavirus vaccine on November 1, 2019 caused her to suffer intussusception. Petition at 1-3. Petitioner further alleges that the rotavirus vaccine was administered within the United States, that A.M.’s injury resulted in surgical intervention, and that there has been no prior award or compensation for A.M.’s injury. Petition at 4. The case was assigned to the Special Processing Unit of the Office of Special Masters.

¹ Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

On September 21, 2021, Respondent filed his Rule 4(c) report in which he concedes that Petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, Respondent has concluded that Petitions are entitled to a presumption of causation because A.M.'s intussusception meets the criteria set forth on the Vaccine Injury Table. *Id.* at 6. Respondent further agrees that Petitioners have satisfied all legal prerequisites for compensation under the Vaccine Act. *Id.*

In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master